

REMARKS

Status of Claims

Claims 12-16, 18-22, 24-26 and 35-44 are pending in the application. Claims 12, 35, 39, and 43 have been amended. No new matter has been added. Support for the claim amendments may be found at least at paragraphs 0032, 0034, and 0035 and Figures 5 and 6.

Applicants thank Examiner Duong for the interview on March 30, 2009. Per the discussion in the interview, Applicants have amended claims 12 and 35.

Claims 12, 13, 18-20, 35-39, and 41-44 are Allowable

The Office has rejected claims 12, 13, 18-20, 35-39, and 41-44, under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 7,280,530 ("Chang"). Applicants respectfully traverse the rejections.

The cited portions of Chang do not disclose or suggest the specific combination of claim 12. For example, the cited portions of Chang fail to disclose or suggest allowing a call to proceed by connecting the call to a telephone physically connected to a telecommunications gateway (TCG) when a caller is not authorized to use a voice and data network (VDN), as in claim 12. The cited portions of Chang describe a gateway network that provides the capability for a caller to place a telephone call from a public switched telephone (PST) network telephone to a telephone on a distant gateway network via a voice-over-IP (VoIP) call. *See* Chang, column 30, lines 1-3. The gateway network of Chang provides a caller with a dial tone and allows the caller to dial a telephone number of a desired called telephone if the caller is first authenticated. *See* Chang, column 30, lines 65-67. The cited portions of Chang do not disclose connecting a call when the caller is not authenticated. Therefore, the cited portions of Chang do not disclose or suggest allowing a call to proceed by connecting the call to the telephone physically connected to the TCG when a caller is not authorized to use the VDN, as in claim 12. Hence, claim 12 is allowable. Claims 13 and 18-20 depend from claim 12. Accordingly, claims 13 and 18-20 are allowable, at least by virtue of their dependence from claim 12.

The cited portions of Chang do not disclose or suggest the specific combination of claim 35. For example, the cited portions of Chang fail to disclose or suggest instructions executable by a processor to allow a call to proceed by connecting the call to a telephone physically

connected to a device when a caller is not authorized to use a VDN, as in claim 35. The cited portions of Chang describe a gateway network that provides the capability for a caller to place a telephone call from a PST network telephone to a telephone on a distant gateway network via a VoIP call. *See* Chang, column 30, lines 1-3. The gateway network of Chang provides a caller with a dial tone and allows the caller to dial a telephone number of a desired called telephone if the caller is first authenticated. *See* Chang, column 30, lines 65-67. The cited portions of Chang do not disclose connecting a call when the caller is not authenticated. Therefore, the cited portions of Chang do not disclose or suggest instructions executable by a processor to allow a call to proceed by connecting the call to a telephone physically connected to a device when a caller is not authorized to use a VDN, as in claim 35. Hence, claim 35 is allowable. Claims 36-39 and 41-44 depend from claim 35. Accordingly, claims 36-39 and 41-44 are allowable at least by virtue of their dependence from claim 35.

Claims 14-16 are Allowable

The Final Office Action rejects claims 14-16, under 35 U.S.C. § 103(a), as unpatentable over Chang in view of U.S. Patent No. 6,351,464 ("Galvin").

Claims 14-16 depend from claim 12. As discussed above, the cited portions of Chang fail to disclose or suggest at least one element of claim 12. The cited portions of Galvin fail to disclose or suggest the elements of claim 12 that are not disclosed or suggested by the cited portions of Chang. For example, the cited portions of Galvin do not disclose or suggest allowing a call to proceed by connecting the call to a telephone physically connected to a TCG when a caller is not authorized to use a VDN, as in claim 12. The cited portions of Galvin describe a system for routing a telephone call on a PSTN network to a data device. *See* Galvin, Abstract. The cited portions of Galvin do not disclose that the system for routing includes authorization of the caller. Therefore, the cited portions of Galvin do not disclose or suggest allowing a call to proceed by connecting the call to a telephone physically connected to a TCG when a caller is not authorized to use a VDN, as in claim 12, from which claims 14-16 depend. Accordingly, claims 14-16 are allowable, at least by virtue of their dependence from claim 12.

Claims 21-22 are Allowable

The Final Office Action rejects claims 21-22, under 35 U.S.C. § 103(a), as unpatentable over Chang in view of U.S. Patent No. 6,700,956 ("Chang2").

Claims 21-22 depend from claim 12. As discussed above, the cited portions of Chang fail to disclose or suggest at least one element of claim 12. The cited portions of Chang2 fail to disclose or suggest the elements of claim 12 that are not disclosed or suggested by the cited portions of Chang. For example, the cited portions of Chang2 do not disclose or suggest allowing a call to proceed by connecting the call to a telephone physically connected to a TCG when a caller is not authorized to use a VDN, as in claim 12. The cited portions of Chang2 describe a method for providing telephone service that is either PSTN-based or Internet based using a standard analog telephone circuit. *See* Chang2, Abstract. The cited portions of Chang2 do not disclose that the system for providing telephone service includes authorization of the caller. Therefore, the cited portions of Chang2 do not disclose or suggest allowing a call to proceed by connecting the call to a telephone physically connected to a TCG when a caller is not authorized to use a VDN, as in claim 12, from which claims 21-22 depend. Accordingly, claims 21-22 are allowable, at least by virtue of their dependence from claim 12.

Claims 24-26 and 40 are Allowable

The Final Office Action rejects claims 24-26 and 40, under 35 U.S.C. § 103(a), as unpatentable over Chang in view of U.S. Patent No. 6,597,686 ("Smyk").

Claims 24-26 depend from claim 12. As discussed above, the cited portions of Chang fail to disclose or suggest at least one element of claim 12. The cited portions of Smyk fail to disclose or suggest the elements of claim 12 that are not disclosed or suggested by the cited portions of Chang. For example, the cited portions of Smyk do not disclose or suggest allowing a call to proceed by connecting the call to a telephone physically connected to a TCG when a caller is not authorized to use a VDN, as in claim 12. The cited portions of Smyk describe a method for automatically designating a telephone call route through a telephone network. *See* Smyk, Abstract. The method for designating a telephone call route includes verifying a calling party's authorization to access a telephone service carrier's network including PSTN and Internet. *See* Smyk, column 5, lines 27-32. That is, if the caller is not authorized then the caller cannot access the telephone service carrier's PSTN. Therefore, the cited portions of Smyk do

not disclose or suggest allowing a call to proceed by connecting the call to a telephone physically connected to a TCG when a caller is not authorized to use a VDN, as in claim 12, from which claims 24-26 depend. Accordingly, claims 24-26 are allowable, at least by virtue of their dependence from claim 12.

Claim 40 depends from claim 35. As discussed above, the cited portions of Chang fail to disclose or suggest at least one element of claim 35. The cited portions of Smyk fail to disclose or suggest the elements of claim 35 that are not disclosed or suggested by the cited portions of Chang. For example, the cited portions of Smyk do not disclose or suggest instructions executable by a processor to allow a call to proceed by connecting the call to a telephone physically connected to a device when a caller is not authorized to use a VDN, as in claim 35. The cited portions of Smyk describe a method for automatically designating a telephone call route through a telephone network. *See* Smyk, Abstract. The method for designating a telephone call route includes verifying a calling party's authorization to access a telephone service carrier's network including PSTN and Internet. *See* Smyk, column 5, lines 27-32. That is, if the caller is not authorized then the caller cannot access the telephone service carrier's network. Therefore, the cited portions of Smyk do not disclose or suggest instructions executable by a processor to allow a call to proceed by connecting the call to a telephone physically connected to a device when a caller is not authorized to use a VDN, as in claim 35, from which claim 40 depends. Accordingly, claim 40 is allowable, at least by virtue of its dependence from claim 35.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the cited references as applied in the Final Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

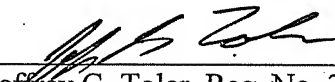
Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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